

## **REMARKS**

This Amendment is submitted in reply to the non-final Office Action dated February 17, 2006, issued in connection with the above-identified application. Claims 1-8, 10-13 and 15-41 remain pending in this application. With this Amendment, independent claims 1, 12, 23 and 34 have been amended. However, claims 12 and 34 have been amended only to correct minor grammatical errors. No new matter has been introduced as a result of the amendments made to the claims. Entry and favorable reconsideration are respectfully requested.

### **I. Allowable Subject Matter**

The Applicant notes with appreciation that claims 12, 13, 15-22 and 34-41 have been deemed allowable. Additionally, claims 6, 7, 29 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all the limitations of their base claim and any intervening claims. The Applicant, however, has chosen not to rewrite claims 6, 7, 29 and 30 as suggested by the Examiner because the amendments and arguments presented herein are believed to be sufficient to overcome the rejections to the base claim from which claims 6, 7, 29 and 30 depend.

### **II. Claim Rejections**

Claims 1-5, 8, 10, 23-28 and 31-32 stand rejected under 35 U.S.C. §102(e) as being anticipated by Reichman et al. (US Patent 6,240,073, hereafter "Reichman"). Claims 11 and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Reichman in view of Heath et al. (US Patent 6,564,274, hereafter "Heath"). The Applicant traverses the rejections noted above for the following reasons.

To expedite prosecution, the Applicant has here amended independent claims 1 and 23 to further distinguish over the cited prior art. Claims 1 and 23 (as amended) are directed, in pertinent part, to a two-way satellite communication system that includes a means for dynamically managing available bandwidth associated with a plurality of channels, which includes at least the use of ALOHA channels to dynamically allocate additional bandwidth if insufficient bandwidth exists. This feature of the present invention is fully supported by the Applicant's disclosure and is not believed to be disclosed, taught or suggested by the cited prior art.

Reichman discloses a return link for a two way satellite communications that is suitable to accommodate any type of communications network such as that used for Internet access. The return link includes the use of two separate communication schemes for implementation in a satellite communication system (i.e., CDMA and FDMA) (see, Reichman, Abstract). Although Reichman discloses a flexible bandwidth allocation system in the implementation of FDMA called bandwidth on demand (BOD) (see, Reichman, col. 14, line 52-57), nowhere does the reference disclose the use of ALOHA channels for bandwidth allocation. In fact, the reference clearly suggests the opposite. The reference, instead, suggests that the use of ALOHA channels should be avoided, pointing out that "ALOHA systems suffer from relatively low capacity and high average power requirements" (see, Reichman, col. 4, lines 40-42). The present invention, on the other hand, dynamically manages available bandwidth using ALOHA channels to allocate additional bandwidth if insufficient bandwidth exists.

Moreover, after a detailed review of Heath, the reference fails to overcome the deficiencies noted above in Reichman. Accordingly, even if it were appropriate to combine the teachings of Reichman and Heath, the combination still would not teach or suggest all the features recited at least in independent claims 1 and 23 (as amended). In particular, the combination of Reichmann and Heath fails to disclose, teach or suggest dynamically managing available bandwidth using ALOHA channels to allocate additional bandwidth if insufficient bandwidth exists.


Independent claims 1 and 23 are now believed to be clearly distinguishable over the cited prior art. Likewise, dependent claims 2-10 and 24-33 are also believed to be distinguishable over the cited prior art based on their dependency from independent claims 1 and 23.

**III. Conclusion**

The Applicant respectfully requests that all the claim rejections be withdrawn and a timely Notice of Allowance be issued in this case. If any fees are due in connection with this application as a whole, the Commissioner is authorized to deduct such fees from deposit account no. 02-1818. If such a deduction is made, please indicate the attorney docket number PD-200327(115426-533) on the account statement.

Respectfully submitted,

HUGHES NETWORK SYSTEMS

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